

*DABTS*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

G. KENNETH COULTER, JOHN SIEFKEN,  
GREGORY MAJOR, MICHAEL CHIEKO, ELI  
MOND, and JOHN SUDOLSKY, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

-against-

MORGAN STANLEY & CO. INCORPORATED,  
MORGAN STANLEY, THE INVESTMENT  
COMMITTEE OF THE MORGAN STANLEY 401(k)  
PLAN, THE MORGAN STANLEY GLOBAL  
DIRECTOR OF HUMAN RESOURCES, JOHN J.  
MACK, KAREN JAMESLEY, WALID A.  
CHAMMAH, CHARLES CHASIN, JAMES P.  
GORMAN, ELLYN A. McCOLGAN, MICHAEL J.  
PETRICK, MICHAEL RANKOWITZ, THOMAS C.  
SCHNEIDER, MICHAEL T. CUNNINGHAM, R.  
BRADFORD EVANS, KIRSTEN FELDMAN,  
EDMUND C. PUCKHABER, WILLIAM B. SMITH  
and JOHN DOE DEFENDANTS 1-10,

Defendants.

11 Civ. 1849 (DAB) (AJP)

STIPULATION AND ~~PROPOSED~~  
ORDER STAYING PROCEEDINGS  
AND EXTENDING DEFENDANTS'  
TIME TO RESPOND TO THE  
COMPLAINT *SINE DIE*

*DAB*  
*5/12/11*

IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned counsel, as  
follows:

WHEREAS, counsel for Defendants have agreed to accept service of the Complaint on behalf of  
Defendants;

WHEREAS, Defendants intend to move to dismiss this action for failure to state a claim and on  
other grounds;

WHEREAS, a decision of the United States Court of Appeals for the Second Circuit is pending in  
*Gray v. Citigroup, Inc.*, 09-3804-cv;

WHEREAS, the parties believe that such decision may affect the disposition of the claims  
asserted in this action;

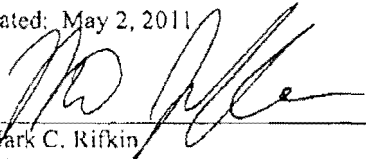
WHEREAS, the parties have agreed to stay all proceedings in this action pending the decision in  
*Gray v. Citigroup*; and

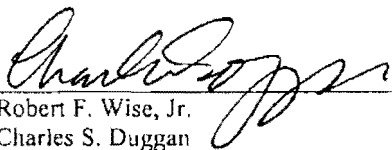
WHEREAS, the parties are amenable to the coordination of this action with the related action of *In re Morgan Stanley ERISA Litigation*, No. 07 Civ. 11285 (DAB) (AJP) for discovery and other purposes following a decision in *Gray v. Citigroup*;

THEREFORE,

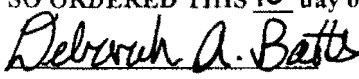
1. All proceedings of any kind in the above-captioned action are hereby stayed pending the decision of the United States Court of Appeals for the Second Circuit in *Gray v. Citigroup, Inc.*, 09-3804-cv;
2. Plaintiffs reserve their right to amend the Complaint following the decision by the Second Circuit in *Gray v. Citigroup*;
3. Defendants' time to answer, move or otherwise respond to the Complaint in this action is extended *sine die* pending further Order of the Court or agreement of the parties; and
4. Defendants reserve their right to seek consolidation of the present action with *In re Morgan Stanley ERISA Litigation*, No. 07 Civ. 11285 (DAB) (AJP), and to assert any and all defenses.

Dated: May 2, 2011

  
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*Attorneys for Plaintiffs and on behalf of all counsel for Plaintiffs*      *Attorneys for Defendants*

SO ORDERED THIS <sup>th</sup> 10 day of May, 2011  
  
U.S.D.J.

denied  
DAB  
5/10/11